

THE
Rights and Priviledges
OF THE
City of London,

PROVED

From { Prescription,
Charters, and
Acts of Parliament.

ALSO

The Coronation Oaths

Of several of the

Kings of England.

Together with

Some Arguments to enforce on all Great Men
their Duty of acting agreeable thereunto,
and to the known Laws of the Kingdom.

*Veritas abscondi erubescit, nihil enim magis metuit quam non profer-
ri in publicum, vult se in Luce collocari, & quis illam occultat
occulterve, quam omnium oculis expositam esse est æquissimum?*

*Eatenus ratiocinandum donec veritas inveniatur, ubi inventa est Veritas,
ibi figendum Judicium.*

Co. 10. Rep. in Pref.

LONDON; Printed for J. Johnson, 1682

THE

RIGHTS AND PRIVILEGES

OF THE

CITY OF LONDON

PROVED

By the Common Council
of the City of London
in the Year of our Lord
1669

THE COMMON COUNCIL

KINGS OF ENGLAND

Whereas the said City of London
has petitioned the said Kings
that they would be pleased to
confirm the said Rights and Privileges
of the said City of London

And the said Kings have been
pleased to grant and confirm the
said Rights and Privileges of the
said City of London

In witness whereof the said Kings
have caused these Letters to be
written under their Great Seal

WITNESSETH

THE
Rights and Priviledges
OF THE
City of L O N D O N.

TIS certainly the Duty of all Men at all times, to exert their *utmost Abilities* for the Happiness and Peace of *that Country* in which they are *born*, and to shew their *warmest Affections* in the maintenance and Defence of its just *Rights* and *Priviledges*, especially when they find how malicious and unwearied the Endeavours of some Men are to bring the most *ancient*, as well as *glorious Constitutions*, under Contempt and Ignominy, and by that means, with a more plausible Colour, and greater Facility, utterly to *destroy* and *dissolve* them.

May we not fear there are too many such resolved and desperate Persons among Us, that industriously labour to effect the *utter Subversion* of LONDON's great IMMUNITIES, the *Antiquity* of which, I may be bold to say, comes not in *Arrear* to any Citie's in the World.

LONDON, *the Epitome of England, the Seat of the British Empire, the Chamber of the King, and the chiefest Emporium, or Town of Trade in the World; wherein all the Blessings of Land and Sea, and (by the benefit of Shipping) all the Blessings of the Terrestrial Globe, may be said to be enjoyed, above any City in the World.*

Whoever therefore are the quarrellsome Enviars of LONDON's long enjoyed *Customes*, and *Franchises*; whoever would *violently ravish* from this Metropolis of the Kingdom, those mighty Blessings, her *Jurisdictions* and *Priviledges*, (whilst as yet at least it cannot be boasted, that she hath forfeited them by Law) those are the Persons against whom I cannot but be affected with Grief, Resentment, and (I think I am pardonable, if I add too) a zealous Indignation; and indeed a less Concern I should hardly know how well to answer for, since I am obliged to this *August City*, for its being the *Place* both of my *Nativity* and *Education*, and as so, it justly commands all my dutiful Regards. The Sword that was at his Father's Throat made a dumb Son once to speak; and shall a Man that hath any *true English Blood* run-

B

ning

*Dr. Chamberlain's
Present State of Eng-
land, 1st Part, 11th Edit.
Anno 1682. p. 176,
178.*

*Inter Recorda Mic.
14. H. 6.*

*Civitas London est
Antiquissima & Li-
berrima Civitas Do-
mini Regis & Regni
Angliæ, & Camera
Regis vulgariter
nuncupata.*

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ning in his Veins, see the *violent* and *unnatural Attempts* of some dissolute angry Citizens upon the *Priviledges* of the City, which are the *Bowels* of their *Mother*, and upon her Life and Being too, and yet be silent! I could never bring my self to *Mecenas* his cowardly love of Life, which *Seneca* justly despises, *Vita dum superest, bene est, hanc mihi vel acutâ si sedeam Cruce, sustinet.* A meer Being here (me thinks) is not so pleasurable as to make me fond on't, unless I could enjoy it with its *comfortable Appendages*; and what is sufficient to make the *Remains* of Life any ways gustful to that *miserable Man*, whose fate it should be to *survive* the *Wreck* of his *native Country*, and *beloved City*?

If the open and bold Invasions that have of late been made by some Persons upon the *Rights* and *Liberties* of this *Renowned City*, (in manifest and bare-fac'd *Contempt*, not only of its *ancient Usages, Laws and Customs*, but of the very *Laws* of the *Land*) have been carried on and promoted by any of the Citizens, let them be of what Rank or eminent Quality soever; it is highly demonstrative, that such Citizens have both *forgotten* the *Duties* of their *Place*, renounced all Truth and Honesty, and have little less than *perjuriously* broken all the Obligations of

* The Oath of every Freeman of the City of London.

Ye shall swear, that ye shall be good and true to our Sovereign Lord King Charles, and to the Heirs of our said Sovereign Lord the King. Obeysant and obedient ye shall be to the Mayor and Ministers of this City.

The Franchises and Customs thereof ye shall maintain, and this City keep harmless in that that in you is. Ye shall be contributory to all manner of Charges within this City, as *Summons, Watches, Contributions, Taxes, Tallages, Lot and Scot*, and to all other Charges, bearing your part as a Freeman ought to do. Ye shall colour no *Forrein Goods* under, or in your Name, whereby the King, or this City might, or may lose their Customs or Advantages. Ye shall know no *Forreiner* to buy or sell any Merchandise with any other *Forreigner* within this City or Franchise thereof, but you shall warn the *Chamberlain* thereof or some *Minister* of the *Chamber*. Ye shall implead or sue no Freeman out of this City, whilst you may have Right and Law within the same City. Ye shall take no *Apprentice*, but if he be free-born, that is to say, no *Bond man's Son*, nor the *Child* of any *Alien*, and for no less term than for *Seven Years*, without *Fraud* or *Deceit*; and within the first Year ye shall cause him to be enrolled, or else pay such a *Fine* as shall be reasonably imposed upon you for omitting the same; and after his Term's end, within convenient time (being required) ye shall make him free of this City, if he have well and truly serv'd you. Ye shall also keep the *King's Peace* in your own Person. Ye shall know no *Gatherings, Conventicles* nor *Conspiracies* made against the *King's Peace*, but ye shall warn the *Mayor* thereof, or let it to your Power. All these Points and Articles ye shall well and truly keep according to the *Laws and Customs* of this City to your Power. So God you help.

The

The Citizens ought to behave themselves as one entire Body and Person, and not to be Divided upon any Pretences whatsoever into Parties and Factions, to destroy their Immemorial and Charteral Rights; because no Man, according to the Laws of the Land, is bound to discover wherein he is Criminal, and lies obnoxious to Penalties to be inflicted: None by Law is obliged to shew the defect of his Title to any thing, neither is any one bound to discover any Act he hath done, whereby to make himself liable to a Forfeiture of his Estate; Nemo tenetur prodere seipsum, is a Rule in Law: Therefore Citizens and all Freemen being obliged by their solemn Oaths to maintain the Liberties of the City and defend them, that must certainly be intended in a legal sense and way. And admit particular Citizens have done any Act, or committed any Offence, whereby they are fineable, or otherwise punishable, or whereby they have forfeited those Priviledges, they are yet, as Citizens, bound by their Oaths to make the best of their Cause, either against a Quo Warranto, or any other Action brought against them by any whomsoever.

I. The Antiquity of the City of London by Way of Prescription.

AS for the Antiquity of this celebrated City, I cannot meet with any Records to inform me when it first commenced. Venerable Bede, a Saxon, and a Priest, who writ the Ecclesiastical History of the English Nation, from the coming in of Julius Caesar, to the Year 723, and who lived near 950 Years ago, says, *Britannia erat Civitatibus quondam Viginti & octo Nobilissimis, insignita præter Castella innumera, quæ & ipsa Muris, Turribus, portis ac seris erant instructa firmissimis*: That Britain was of a long time famous in 28 most Noble Cities, besides Castles innumerable, which were of a vast strength: And as for the Names of these Cities I find them set down in Henry Arch-deacon of Huntingdon, (who writ an History of the Kings of England to the Reign of King Stephen, in whose time he lived) and among them the City of London is mentioned; He begins them thus; York, Canterbury, Worcester, LONDON, Gloucester, Winchester, Carlisle, Lincoln, &c. all of them remaining Cities to this day. Ammianus Marcellinus, who wrote near 1300 Years ago, calls London then an Ancient City.

Bed. Eccles. Hist. lib. 1. cap. 1. f. 149. l. 50.

Hen. de Hunting. lib. 1. f. 170. b. l. 5

Ammian. Marcellin.]

Herodian in the Life of Severus the Emperor of Rome, saith, *Londinum urbs magna & opulenta*, that it was then a Great and Opulent City.

Cornelius Tacitus, who married the Daughter of Lucius Agricola the Roman Governour of Britain, who was here with him by the space of seven Years, affirms, *Quod Londinum tempore Neronis* (which is above 1500 Years past) *fuit Copia Negotiatorum & Commætu maximè celebre*, that London in the time of Nero, was a City famous for Trade and Commerce; nay so famous about that

Tacitus lib. 14. Annal. cap. 10.

Lord Cook 4. Insir. fol. 247. a.

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that time, that by way of *highest Honour and Dignity*, Camden tells us it was *enobled* above 1360 Years since with the Title of *AUGUSTA*.

Nay, to go a great step higher yet, *Fitz-Stephan*, or *Stephanides*, a *Monk of Canterbury*, born of *worshipful Parents* in the *City of London*, who wrote in the Reign of *Henry the Second*, of this *City*, saith; *Hac Civitas Urbe Roma secundum Chronicorum fidem satis antiquior est*, &c. That if you give any credit to *Historians*, it's far more ancient than that of *Rome*.

St. w's Survey of
London, f. 575. 4.
Stephanides, cap. de
dispositione Urbis.

II. The Rights and Priviledges of the City of London proved from Charters.

NOW certainly that *Person* must be a Man of a *hardned Forehead*, or else be very *ignorant* in the *Annals* and *Histories* of this *Nation*, who can suppose, that these so *ancient Cities* declared and mentioned by *Bede* and *Huntingdon*, whereof *London* is one, were made *Corporations* by any *Charters* of our *British*, *Saxon*, or *Norman Kings*, or that they received all their *Priviledges* from the *sole Grace, Favour and Bounty* of them, who in truth were so many and so *inconsiderable* in those times, that *Britain* seemed rather an *Aristocratical* and *Democratical Government* mixed together, then any *entire or absolute Monarchy*; For *Xiphiline*, out of *Dion Cassius* in the *Life* of the Emperor *Severus*, assures us; *apud hos*, i. e. *Britannos Populus magna ex parte Principatum tenet*; that among the *Britains* the *People* bore a *great share* or *sway* in the *Sovereignty*; which, by shewing what kind of *Government* was among the *Britains* in those days, gives us a *great Light* from whence this *ancient City* originally had her *Priviledges*.

Xiphil. è Dio-cass.
p. 601. Impress. Ba-
silic.

And it is another *gross and notorious Error* for any to affirm, that such *Charters* of this famous *City of London* as were granted to the *Citizens* or *Barons* of *London*, proceeded from the *mere Will, Pleasure and Kindness* of the *ancient Kings* of *England*: For whosoever will please to inspect with any *Considerateness* and *Care* the *ancient Records* and *Historians* of the *Kingdom* as to this point, may easily satisfy himself, that there is *no material Clause* in any of the *Charters* of the *City of London* but what hath cost the *Citizens* many *thousands of Pounds*; and I dare be bold to say, there is not one *Subject* in all the *King's Dominions* who hath *purchased* and paid so dear for his *particular Estate* by half as the *Citizens* of *London* have done for the *several Grants* and *Confirmations* of their chargeable *Liberties* and *Priviledges*.

It would be *endless* to file a *particular Account* of the many *vast Sums* of *Mony* which has been paid to the *Crown* by the *City* for their *several Grants* and *Confirmations*; I shall therefore forbear such an *Enlargement*, and content my self with giving you a few *Instances* in the more *early Times*.

1. In the 9th of Richard the 1st, the Citizens gave one thousand five hundred Marks pro Libertatibus suis conservandis. Ex Rotul. in Scac.

2. In the Reign of King John they paid three thousand Marks pro habenda confirmatione Regis de Libertatibus suis, which was a very great Sum in those Times. 4 Johan. in Scac. relation.

3. In 2 H. 3. they paid Quintamdecimam partem omnium Bonorum suorum mobilium, a fifteenth part of all their moveable Goods, Ut Civitas London. habeat omnes Libertates antiquas & liberas Consuetudines suas, That the City of London might have all her antient Liberties and free Customs. MS. penes Domin. Sam. Baldwin. Servient. Dom. Reg. ad Leg. MS. penes Fr. Cook Gen. de Interiori Templo. MS. Senator. penes Guil. Part. Ar. de interiori Templo. Rait. Stat. f. 1. d. c. 9.

4. In 9 H. 3. They paid another fifteenth of all their Moveables, that London should have all the old Liberties and Customs which it had been used to have.

5. In the 36th H. 3. The King granted Civibus London. omnes Libertates suas Leges & Consuetudines & quas etiam habuerunt tempore Regis Henrici Primi usitatas & non usitatas: for which their Rent was increased septem Libras Sterlingorum per Annum, and they then paid to the King five hundred Marks pro Charta illa habenda; no small Sum in that Age. In MS. in Archiv. London.

6. In 50 H. 3. there were twenty thousand Marks paid for a further Confirmation of their Liberties; not to instance in the many illegal Impositions, Tallages, and Taxes, which that un governable King laid upon the City, notwithstanding so many of his Solemn and Sacred Oaths for the inviolable Observation of Magna Charta. Stow's Annals fol. 199. 1 Coll. Liber de Antiquis Legibus in Archiv. London.

I shall now proceed to shew from Charters the Privileges that the Citizens of London had to choose their Officers, particularly Sheriffs; and I shall begin with,

1. William the First, commonly called the Conqueror, who did confirm the Ancient Liberties of the City, and by one Charter demised and granted to the Citizens of London, the said City, and the Sherifwick thereof; and afterwards confirmed the same * in Parliament. For the words of the Record are, † Auctoritate Parlamenti Willielmus dimisit tunc Civibus London. totam dictam Civitatem & Vice-Comitatum London. cum omnibus Appendiciis, &c. Stow's Survey of London. fol. 740.

2. As to the Sherifwick of Middlesex, Henry the First, Son to this William the Conqueror, confirmed the Liberties of the City of London, and granted to them, their Heirs and Successors forever the Sherifwick of Middlesex at the Farm of three hundred Pounds per Annum, Ita quod ipsi Elves ponent Vice-Comitatum quales voluerint de seipsis; so that they should chose what Sheriffs they pleased from among themselves. This was the better to enable the City to keep the Peace; for many Murders, Rapines, and Villanies being committed in the City, the Offenders would thereupon fly into Middlesex, and the Citizens having no Power or Jurisdiction before in that County, the Offenders by that Means escaped unpunished. * That there were Parliaments in William the first's times see Argumentum Anti-Normanicum, proving from ancient Histories and Records, that William Duke of Normandy made no absolute Conquest of England by the sword, in the sense of our Modern Writers, printed, 1682. † Lib. K. in Archiv. London. Chart. H. 1. per spec. 2 H. 1. c. 2.

3. King Stephen by his Magna Charta confirmed (amongst others) the Liberties of the City, which they not only had in

Omnes Liberrates & bonas Leges quas Hen. Rex Angl. Abvunculus meus eis dedit & concessit & omnes bonas Leges, & bonas Consuetudines eis concedo quas habuerant Tempore Regis Edwardi. *Magna Charta Regis Stephani.*

the Times of *William the Conqueror, William Rufus, and Henry the First*, but those they had and enjoyed in the time of *Edward the Confessor*.

Concessit & reddidit, & Charta sua confirmavit omnes Consuetudines quas R. Hen. 1. eis dedit & concessit libere, quiete & plenarie tenend. Spel. Glof. Diatriba de Magna Charta. fol. 375. In Archivis London.

4. *Henry the Second* by his *Magna Charta* did the same, and so did,

5. King *Richard the First*, his Son, who by his Letters Patents granted to the said Citizens all those their said Customs, and all other Liberties and Free Customs which they had in the time of King *Henry*, Grandfather to King *Henry* his Father, whensoever they were best, or most free Customs.

Journ. Seym. fol. 467. 17 H. 8. The great Case between St. Martin le Grand and the City of London.

Ex Original. Chart. 1 Johannis.

6. King *John* in the first Year of his Reign, by a Particular Charter, confirmed to the Citizens of London and their Heirs, the free Election of their Mayor and Sheriffs, with a Power to displace and remove the Sheriffs at their own pleasure: the Words are, *Quod ipsi de seipsis faciant Vice-Comites quoscunque voluerint, & amoveant quando voluerint.*

Charta H. 3. per Inspec. 1 H. 5.

7. *Henry the Third* by his Charter ratified and confirmed to the Citizens of London and their Heirs the Sheriffricks of London and Middlesex for the ancient Fee-Farm of 300 l. per Annum, which was the original Rent in *Henry the First* his time, with the former Clause, *Quod ipsi de seipsis, &c.* And after the Citizens should present their Sheriffs so chosen by them at the Exchequer.

Which said Charters of *Hen. 1st, King John, and Henry the Third*, have by *Inspecimus's* been confirmed under the Great Seal of England, one of the greatest Obligations of the King to the People, by *Edw. 1. Edw. 2. Edw. 3. Hen. 4. Hen. 5. Hen. 6. Ed. 4. Rich. 3. Hen. 7. Hen. 8. Ed. 6. Q. Mary, Q. Eliz. King James, King Charles 1. and his Present Majesty.*

To close this Point, In the memorable Case between the Dean and Chapter of Westminster and the City of London 27 Hen. 8. touching *St. Martins le Grand*, the City by the deliberate Advice not only of the Recorder and of the City-Council, but no doubt by the Direction also of other great and eminent Lawyers of England, penned and exhibited the ensuing Articles against the Sanctuary of *St. Martin's* to the King and Council, as I understand it.

Journ. Seym. fol. 467. 4. 27 Hen. 8. St. Martins le Grand.

Articles declaring for the Mayor and Commonalty of London, that the Enclosure and Chyrch of seynt Martines le Grande, the Messuages, Houses, and Lane of seynt Martines aforeseyd, be of and in the Liberty and Jurisdiction of the said City, and that there be, nor by any lawful meane have been any such Priviledges and Immunity, the which may or ought to defend all manner of enorm Enemies of God, the Chyrch, the King and the Realme unpunished, as it hath been of long wrongfully accustomed, and especially to disherit our most dread Sovereign Lord and his said City and Chamber of

of London of such *Rights, Jurisdictions, Liberties and free Customs* as of long time before the *Foundation*, and at the *Foundation* of the said *Chyrch*, and ever after peaceably and quietly had used and approved by divers *Records* by *Authority* of *Parliament*, *Letters Patents*, and otherwise, as followeth.

1. First, They seyen that the *City of London* is, and sence the time of *Remembrance* of *Han*, hath been the *Chief City* of this *Realm*, and above all other *Cities* and *Towns* of the same, as well in *Honours*, *Liberties*, and *Free Customs* highly endowed; and the which *Famous City* in the time of *Seynt Edward King* and *Confessor*, and long time before, always hath been of it self one boole *County*, and one boole *Jurisdiction* and *Liberty* by the said *Citizens* and their *Predecessors*, of the *King* and his *Progenitors* holden at *Farm*.

And the same *Citizens* then and by all the time aforesaid by reason of their seid *Jurisdiction* and *Liberty* among others have had *Liberties* and *free Customs* to elect and make of themselves yearly certeyn principal *Officers* in the said *City*, which faithfully shudde answer the *King's* *Serme*, and immediately under him the *People* of the said *City*, and others repairing to the same; in *Peace*, *Unity*, and *Justice* shudde govern after their old *Laws* and *Customs*. And also to substitute under them other under-*Officers* and *Ministers* to help for the *Sustentation* and *Execution* of the *Premises*. Thus far only out of the *Record*.

Nota.

That all Officers within the City were to answer as well to the Citizens as the King.

III. The Rights and Priviledges of the City of London
prov'd from Acts of Parliament.

AND that the *Rights* of this so *Famous* and *Ancient City* might be kept *inviolable*, and remain and flourish to all future *Generations*. It was the *great Wisdom* of the *Kingdom* to fortify it with new *Rampiers* against all succeeding *Attagues* and *Invasions* whatsoever.

I shall pass over the *Magna Charta* confirmed by the *Common Council* or *Parliament* of the *Kingdom* in the fourth Year of *William the First*, wherein it was ordained [That all the *Free-men* of the whole *Kingdom* aforesaid, should have and keep their *Lands* and *Possessions* well and in *Peace*, free from all unjust *Exactions* and *Tallage*, so that nothing should be *eracted* or *taken* from them but their *free Services* due to him according to *Law*, given and granted by them to him by *Right* of *Inheritance* for ever, and that by the *Common Council* of the whole *Kingdom*.]

I say, I shall pass over that *Charter*, and descend to the *Great Charter* of the *Liberties* of *England* granted in *King John's* time, * *Ut Civitas Londinensis habeat omnes antiquas Libertates & Liberas Consuetudines suas tam per Terras quam per Aquas*; and † that of *Hen. 3.* whereby the *City* was to enjoy all the *Old Liberties* and *Customs* which it had been used to have.

Apud C. Lambard
L. L. Will. Prim. f.
173, c. 55. Ut omnes
Lib. Hom. totius
Monarchia Regni
nostri predicti habeant & teneant Terras suas & Possessiones suas bene & in pace lib. ab omni Exactione injusta, & ab omni Tallagio, ita quod nihil ab eis exigatur vel capiatur nisi servitium suum liberum quod de jure nobis facere debent & facere teneantur & prout statum est eis & illis a nob. dat. & concess. jure Heredit. in perpetuum per Communitatem Conciliorum Regni nostri predicti.

Mat. Paris Fol.
And † Rastall's Stat. Fol.

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Quam Johannes fideliter tenere juravit
 Rot. Par. 17. Joh.
 per unica m. 23. n. 3.

And it is very observable, that the *Magna Charta's* of *Hen. 1.* King *Stephen*, and *Henry* the Second, were but as general *Confirmations* of all the *Liberties*, good *Laws*, and ancient *Customs* of the *Kingdom*: but *Differences* happening to arise between King *John* and the *Barons* concerning what those *Liberties*, *Laws* and ancient *Customs*, as well of the *Crown* as of the *People*, were, that so they might be brought into greater certainty, and receive new force, The *Magna Charta* of King *John* was drawn and reduced into more particular and distinct *Articles* or *Chapters*, which he swore faithfully to keep and observe, and the *Barons* did him *Homage* thereupon. And it is a *Truth* most infallible, notwithstanding the *Ignorance* (not to say *Malice*) of several modern *Writers*, that have industriously employed their *Pens* to defame those *Venerable* and *Ancient Constitutions* of the *Kingdom*, whereby this last *Age* has been so much poisoned with their notorious *Errors*. I say, this *Charter* of King *John*, *Matt. Paris* (who was *Historiographer Royal* to *Henry* the Third, Son of King *John*, and who lived in that time) does affirm, did contain *ex parte maxima Leges Antiquas & Regni Consuetudines*, chiefly the *Ancient Laws* and *Customs* of the *Realm*. And he must be a *Man* of but an ordinary Capacity and Knowledge in the *Saxon Laws*, and in the *Laws* of *William* the 1st, and *Henry* the 1st, and other ancient Records of the *Nation*, that will assert the contrary: But if he desires to come to the Knowledge of the *Truth*, for which all *Men* ought to have the highest *Deference* and *Veneration*, and will do himself that *Justice* to compare the *Magna Charta* of King *John* with the above-recited *Laws* and *Charters*, he may very easily, for the correcting of his Judgment, inform himself, That the *Concession* and *Confirmation* of those *Laws* by King *John's* *Charter* were not *Leges de novo introductæ vel concessæ*, new upstart *Laws* enforced upon him by the power of the *Barons* at *Running mead*; But they were the *abæte Consuetudines & antiquæ Leges Anglorum*, and to the Observation of which in the general, *Vinculo juramenti in die Coronationis sue adstrictus fuit*, as we shall shew hereafter.

Spel. Gloss. Diatrib.
 de Mag. Char. f. 374.

52. H. 3. Stat. de
 Marl. Preamble.

This great *Charter* of King *John*, which Sir *Hen. Spelman* calls— (*Augustissim. Anglicar. Libertatum diploma & sacra Anchora*) was in the general ratified and confirmed in several *Parliaments* in the *Reign* of *Hen. 3.* (and in particular, in the *Parliament* in the 52 Year of *Hen. 3.*) after he had conquered and subdued the *Barons*, and was in the actual Possession of the *Entire Regality* of the *Crown*; I say, that then that King did summon a *Parliament* at *Marlborough* to provide for the better *Estate* of the *Realm*, for the more speedy *ministration* of *Justice*, as belongeth to the *Office* of a *King*, the more discreet *Men* of the *Realm* being called together, as well of the higher as of the lower *Estate*, It was provided, agreed, and ordained, That whereas the *Realm* of *England* of late had been disquieted with manifold *Troubles* and *Dissentions*, for *Reformation* whereof, *Statutes* and *Laws* were right necessary, whereby the *Peace* and *Tranquillity* of the

the People must be observed, amongst other Acts, Ordinances, and Statutes then made, which the King willed to be observed for ever firmly and inviolably of all his Subjects as well high as low, *De Communi Consilio Regni Anglia Provisum fuit*, That the Great Charter shall be observed in all his Articles, as well in such as pertain to the King, as to other. And that shall be enquired afore the Justices in Eyre in their Circuits, and afore the Sheriffs in their Counties when need shall be; and Writs shall be freely granted against them that do offend before the King or the Justices of the Bench, or before Justices in Eyre when they come into those parts. Likewise the Charter of the Forest shall be observed in all his Articles, and the Offenders when they be convicted shall be grievously punished by our Sovereign Lord the King in Form above mentioned.

Register. fol. 97^d
Stat. de Marl. c. 5.
15 Ed. 4. f. 13. Mir-
ror 319. Co. 2 Inst.
fol. 108.

Thus we see the stedy and inviolable Observation of this Great Charter (wherein the Article concerning the Liberties and Franchises of the City of London is a main and essential Branch) was thought by this King and his Great and Sovereign Council of Parliament very necessary, if not the best and only way to preserve the Peace and Tranquillity of the People of England. And not only that King, but the whole Nation were divers times sworn to the Religious Observation of it, and the Clergy several times in their Publick Excommunications cursed all such as should violate or infringe any one Article of it.

So zealous were our Ancestors to preserve their Liberties from all Encroachments, that they employed all the Strength of Human Policy and Religious Obligations to secure them entire and inviolate.

Nor did the Care of preserving this Great Charter, and therein the memorable Liberties and Priviledges of the City of London, end with that King's Life; But in the several Confirmations of that Charter in the Reign of that mighty Prince Edw. 1. by Parliament (in particular in the 25 and 28 Years) the Clergy's care was as great, and as great were their Excommunications against the Breakers of it: Nay, by a General Canon it was strictly ordained and commanded that the Priests and Confessors when their Penitents came to make Confession to them, should charge their Consciences with the inviolable Observation of, and Obedience to this mighty Law, and therein the Preservation of the Liberties and free Customs of this great Metropolis of the Nation (the City of London) as being an essential part in Magna Charta, as I have said before.

Rot. Stat. 29 E. 1.
m. 38. Ca. 1. inf. c. 38.
f. 76. Magna Char-
ta 28 E. 1. sub mag-
no Sigillo in Archi-
vis Lond. remanent.

Pupilla Oculi fol.
50. cap. 22. De ser-
tentia lata super
magnam Chartam.

Nay, so tender and careful was the Wisdom of Parliament in 34 Ed. 1. That in the Statute *de Tallagio non concedendo* cap. 4. It was ordained for him and his Successors, viz. All Clerks and Laymen of our Land shall have their Laws, Liberties, and free Customs as largely and wholly as they have used to have the same

Keobl. Stat. cap. 4.
fol. 72. Volumus &
Concedim. pro nobis
& Hered. nostris
quod omnes Clerici &

Laici de Regno nostro habeant omnes Leges, Libertates & libera Consuetudines suas ita libere & integre sicut eas aliquo tempore melius & plenius habere consueverunt, & si contra illas quocumq; Articulo in presenti Charta contento Statuta fuerint edita per Nos & Antecessores nostros vel Consuetudines introductæ volumus & concedimus quod hujusmodi Consuetudines & Statuta vacua & nulla sint in perpetuum.

The Rights and Priviledges

at any time when they had them best: And if any Statutes have been made by Us or our Ancestors, or any Customs brought in contrary to them, or any manner of Article contained in this present Charter, We will and grant that such manner of Statutes and Customs shall be void and frustrate for evermore.

Co. 2 Instit. f. 534.

This containeth (as my Lord Chief Justice Cook observes) a Restitution general to the Subjects of all their Laws, Liberties, and free Customs, as freely and wholly as at any time before, in the better and fuller manner they used to have the same: And this doth not only extend to Magna Charta, and Charta de Foresta, but to all other Laws, Liberties, or Freedoms, and free Customs whatsoever. But to proceed.

Rot Claus. 19 H. 2.
m. 15. dorso.

There having been several Invasions and illegal Proceedings made by the King's Justices and other his Ministers upon the Franchises, Customs and ancient Usages of the City, especially by colour of a *Quo Warranto* brought against the City 14 E. 2. before Henry de Stanton and others, Justices in Eyre, sitting in the Tower of London, who not only had refused to allow the Citizens some of their Prescriptive Rights, but had fore-judg'd them of others contrary to their ancient Customs. The Commons in Parliament, 19 Edw. 2. petition'd the King, That he would please to let the City enjoy again those Liberties, without having any further Attempts made upon it by his Ministers or Judges: and as the Reason they gave was extraordinary, so likewise was it most true, *Que nostre Commune Recouvrir est en la dite Cité*, because the general Safety of the Kingdom was in that of the said City: To which the King, *De assensu Prelatorum Comitum Baronum & aliorum in dicto Parlamento tunc existentium*, Answered, *Que droit soit fait*, That Right should be done them.

Rot. Claus. 33 E. 1.
m. 13. dorso.

Fit le serement sur
le Corps de Dieu &
sur les autres Reli-
ques.

Walsingham. fol. 93.

And indeed it was no wonder that Edw. 2. bore a heavy Hand over the Londoners, since forgetting his Solemn Oath he had made to his Father Edw. 1. upon the Body of God, and upon other Reliques, in the Parliament 35 of his Reign, That he would never have any thing more to do with Peirce Gaveston, a Gascoign or French-man, who had sadly debauched him, for which (*Communi decreto exiliatus*) he was banished the Kingdom by Act of Parliament: Yet notwithstanding, scarce was the Breath out of the Body of his Royal Father, but Edward sent for Gaveston, made him Earl of Cornwall, Lord Lieutenant of Ireland, and gave up the Reins of his Government to be wholly managed by the said Peirce Gaveston, after whose Tragical Fall the King resigned himself to be absolutely governed by the pernicious and woful Counsels of the two Spencers and their Accomplices, of whose usurped Royal Power, their Banishment of the Queen and Prince (afterwards Ed. 3.) their cutting off and murdering so many Noble Men, and others, especially Thomas Earl of Lancaster the King's Uncle, (whom E. 1. upon his Death had charg'd his Son, *in diligeret & saveret*) their villanous design totally to destroy the Blood Royal, and other their horrible Destructions, Oppressions, and

Walsingham. fol. 93.

and general *Mischiefs*, as *Traitours* and *Enemies* to the King and Realm, as the *Records* and *Historians* of those times witness; so have we the Evidence of the whole Kingdom in the Parliament 1 Ed. 3. which (amongst other things) tells us, *That* Ed. 2. *nothing* did, nor would do but as the *Spencers* and their Party counselled him, were it never so great Wrong.

The Answer of Ed. 2. in his Parliament, Anno 19, before mentioned, being not therefore thought a sufficient Guard against the King's Ministers, his Son and Successor, Ed. 3. in the first Year of his Reign, *De Assensu Prelatorum, Comitum, Baronum & totius Communis Regni in Parlamento*. By the Consent both of the Lords and Commons, did by his Charter in that Parliament grant and confirm, as a perpetual Law, for him and his Heirs for ever, *That* since In *Magna Charta de Libertatibus Anglie*, it was contained, *That* the City of London should have and enjoy *Omnes Libertates suas antiquas & Consuetudines suas*, All their Ancient Liberties and Customs; And because the said Citizens had at the time of the said Charter, *Et temporibus Sancti Edwardi Regis & Confessoris & Willielmi Conquestoris & aliorum Progenitorum nostrorum*; and in the time of St. Edward the Confessor, and William the Conqueror, and other the Progenitors of the said King, *diversas Libertates & Consuetudines tam per Chartas ipsorum Progenitorum quam sine Chartis ex antiqua Consuetudine*, he granted and confirmed to the Citizens their Heirs and Successors, that they should enjoy their Liberties and Customs which they not only had by the Charters of those his said Progenitors, but which they enjoyed without Charters by ancient Customs. And because those Liberties had been oftentimes impeached, and some of them fore-judged in the tempestuous times of Edw. 2. as before hath been observed, and other preceding Kings, contrary to *Magna Charta*: therefore both the King, and the Lords and Commons did set a Brand upon such illegal Proceedings, and by their Solemn Act did publicly condemn them as *Usurpations*, to prevent the like in Ages to come; and also put a mark of Infamy upon the Names of Henry de Stanton and his Fellow-Justices, who in the *Quo Warranto* 14 Ed. 2. refus'd to do the City Justice.

And further, by the same Authority, it was Enacted, That the Liberty of the said City should not be taken into the Hands of Edward the Third, or his Heirs, for any Personal Trespass or Judgment of any Minister of the said City; Nor that a Custos should be set over the said City upon any such like Occasion, but the Minister that transgressed, should be punished according to the Quality of his Offence.

And when Richard the Second (that unfortunate Prince) endeavour'd to shake the Ancient Government of the City, as also of the whole Kingdom; for his unlucky Flatterers had so far impos'd upon his Understanding, that forgetting his solemn Coronation-Oath, whereby he was bound to govern his Subjects secundum Leges Regni according to the Laws of the Kingdom, not secundum merum Imperium Regis; he often declared, *Quod Leges sue erant*

Knighton Col.
2511.
Dugdale Baroni-
gium.

Plac. Coram co-
ram Domino Rege
apud Eborac. Term.
Statute Trinitat. 1
E. 3. pene Came-
rar. in Scaccario re-
manen.

Quod pro aliqua
Personal Transgres-
sione vel iudicio per-
sonali alicujus Mini-
stri ejusdem Civita-
tis non capiatur Li-
bertas Civitatis illi-
us in manum no-
stram vel Hered. no-
strorum nec Custos
in eadem Civitate ad
occasione deputetur
sed hujusmodi Mini-
ster prout qualitas
transgressionis re-
quirat, puniatur.

Rot. Parl. 1 H. 4.
Art. 15.

in Ore suo, & in Pectore suo, & quod ipse solus possit mutare & condere Leges, that the *Laws* were in his *Mouth* and in his *Breast*, and that he had such a *Prerogative* that he could *make* and *change* *Laws* when he pleased.

The *Commons* considering the high *Consequences* which would unavoidably affect the whole *Kingdom* by the *Invasion* of the *Liberties* of the *City*, they presently took the *Alarm*, and thereupon petition'd the *King*.

Jones Rep. f. 140.
E. Romulo Parl. tent.
apud Westm. die Lunæ & prox. ante fest.
omnium sanct. RRs.
Richar. secund. post
Conquest. 7^e N. 37.
Item priout les Com-
munes purgeinder
qui ete & naitur de
pais perenters vos Lie-
ges & pr. come pro-
bit que vos Citeins
de Citée de Lon-
dre, soient entrem.
en ce present Parle-
ment restituz a eur.
Franchises & frank
Usages & que il plese
à vous tres dont Sig-
niory deveit grace
especial granter &
confirmer as vos dit
Citeins & aers Suc-
cessors per voz Lerres
Patentes tous leurs
Libertes & Frank.
Usages auxi entiere-
ment & pleinement
come ils ou leurs
Predecessors les avoient
en temps d'aucun
des voz tresnobles
Progenitours, oue
claut, de licet usi
non fuerint vel abusi
fuerint, ensemble-
ment oue les Fran-
chises qu'ils ont en
especial de veitue tres
gracious grant ou
confimement, nient
conttre steautz au-
cuns estatuz juge-
ments renduz Ordi-
nances, ou Charters
faits ou grants einz
ces heures a contrarie
si bien en temps d'avons
de voz dites Progeni-
tors come en le vie, isint
come le restreint de leur
Libertes & Franks Usages
ad en plusieurs maneres
accraunt ces heures
empirez & arrez. l'estate
de eux, & viens value a
come profit du Roilme, &
que touz les vins & Vitaillies
si bien pessoners come
autres oue leurs Vitaillies
venantz à vostre dite
Citee soient desore enaunt
desouz le gouvernail
& renle del' Mair &
Aldermannes de la Citée
avant dit pur les temps
esteantz, come auncienement
soloient estre & oultre
granter que nul Mair de la
dite Citée desore enavant,
ne fait ne soit constreint
de faire en vestre
Eschequer tres doubte
seigneur, nailleurs autre
serement, mais solment
launcien serement use en
temps le Roy Edward
vestre tres nobkaies (qui
Dieux assoill) aucun
Estatute ou Ordinance
au contrarie ent faitz non
obstantz. || 1^{re} Cart. Concess.
Civibus London. 7 R. 1. &
lib. H. in Archivis Lond.
fol. 169.

That for the greater *Quiet* and maintenance of *Peace* between his *Leige People* and for *common Profit*, his *Citizens* of his *City* of *London* should be in the then present *Parliament* entirely restor'd to their *Franchises* and free *Usages*: And that it might please his most *Dread Highness* of his special *Grace* to grant and confirm to his said *Citizens*, and their *Successors*, by his *Letters Patents*, all their *Liberties* and free *Usages*, as entirely and fully as they, or their *Predecessors* enjoyed them in the time of any of his most *Noble Progenitors*, with the Clause of *Licet usi non fuerint vel abusi fuerint*; as also with the *Franchises* which they enjoyed from his most *Gracious Grant* or *Confirmation*, notwithstanding any *Statutes*, *Judgments* given, *Ordinances* or *Charters* late made or granted to the contrary, as well in the time of any of his said *Progenitors*, as in his own *Reign*: *Because the Restraint of their Liberties and Frank Usages had several ways before that time empaired and put back their Estates, and was not available to the common Profit of the Realm*; and that all the *Vintners* and *Viualers*, as well *Fishmongers* and others with their *Viuals*, coming to his said *City*, should be from thenceforward under the *Rule* and *Governance* of the *Mayor* and *Aldermen* of the aforesaid *City* for the time being, as *anciently* they were wont to be. And further to grant that no *Mayor* of the said *City* for the future should take, nor be constrained to take, in his *Court of Exchequer*, any other *Oath*, but only the *ancient Oath* used in the time of *King Edward* his most *Noble Grandfather* (whom *God* absolve) any *Statute* or *Ordinance* to the contrary thereof made notwithstanding. To which the *King* answered, || *De assensu Prælatorum, Dominorum, Procerum & Magnatum sibi in eodem Parlamento assistentium, Le Roy, le Doct, So it pleaseth the King.*

H. Knighton Coll.
1740 L. 7. An. Dom.
1391. Walsingham,
fol. 347.

Notwithstanding all which, a sad *Convulsion* fell upon the *City* of *LONDON* in the *sixteenth Year* of that *King*, the occasion of it was this: That *King* having sent to the *City* of *London* to borrow 1000*l.* and they refusing, a certain *Lumbar* or *Banker*

Banker undertook to lend the same, he having other People's Money in his Hands, and lending it without their consent, they fell upon him, and so beat him, that it e'en cost him his Life. The King hearing this was extremely enraged, and forthwith summoning a great Council of Peers at Nottingham, (not a standing Parliamentary Council) he acquaints them with the matter, and they advised him presently to curb the haughty Insolence of the Citizens, and one of their principal Reasons was, because they were great Favourers and Encouragers of the Lollards, (such as we now call Protestants).

Omnes Regali pe-
ne majori.

Qui omnes infesti
Civibus propter di-
versas causas con-
sulant.

Hereupon the Mayor and Sheriffs with several of the Aldermen were committed to the Castle of Windsor, and the rest to other Castles, till the King should otherwise by his said Council determine.

And in that Great Council it was Decreed, that a Custos should be set over the City: Shortly after another Great Council of Peers met at Windsor, where were the Temporal Lords of the whole Kingdom, and almost all the Bishops, and such an Army drawn together as might justly put the Londoners into Terror and Consternation: And here it was designed to blot the Name of a Citizen from under Heaven. But this was frustrated by the Duke of Lancaster, and the Londoners, when they saw there was no way left for them to make their legal Defence, resolved *rebus sic stantibus*, rather to submit themselves to the King's Mercy than stand to the Verdict and Judgment of twelve Men, to be summoned to pass upon them after the new way of proceeding by the Statute of 28 E. 3. cap. 10. and therefore they voluntarily gave the King 10000 l. and so were restored to their antient Liberties and Customs.

Dominol Temporal-
les Regni cuncti &
Episcopi fere omnes,
nec non exercitus ta-
lis qui merito terrori
Londinensium posset
esse.

Cives de sub Coelo
delere.

Londinenses ergo in
medio Miseria: um
subito constituti &
velut versati inter
eandem & malleum,
cum non esset locus
excusationis.

Decreverunt se po-
tius submittere Regis
gratia, quam suc-
cumbere veridico
vel iudicio duodenae.

But Henry the Fourth, soon after coming to the Crown, this proceeding against the City of London, *Caput Regni & Legum* (the like whereof never happened from that time to this day, being now 290 Years ago) so startled all other Cities and Burroughs of the Kingdom, that we find the care of succeeding Parliaments was very memorable as to this Point in the Reigns of Hen. 4. Hen. 5. and Hen. 6. and that in the first Article sometimes before, and sometimes after the Confirmation of the Rights, Liberties, Franchises, and Customs of Holy Church, the two great Charters, and those of the Lords and Commons; the Cities and Burroughs were always sure to be remembered by them, as you may take notice, if you please to consult these Statutes, 4 Hen. 4. cap. 1. 7 Hen. 4. cap. 1. 9 Hen. 4. cap. 1. 3 Hen. 5. cap. 1. and 2 Hen. 6. cap. 1. I will give you the first of them at large, the others are in effect but repetitions of the same, and therefore I shall only refer you to them for a further Confirmation.

4. Hen. 4. cap. 1. *A Confirmation of the Liberties of the Church, and of all Corporations and Persons.*

Keeble's Star. f. 195.

First, That Holy Church have all her Liberties and Franchises, and that the Lords Spiritual and Temporal, and all the Cities, Burroughs and Towns Franchised, have and enjoy all their Liberties and Franchises which they have had of the Grant of the Progenitors of our said Lord the King, Kings of England, and of the Confirmation of the same our Lord the King, and that the great Charter, and the Charter of the Forest, and all the good Ordinances and Statutes made in the time of our said Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept.

And for the Honour of Magna Charta, I will conclude this Head with an Act of Parliament thus (cited by Mr. Petyt), viz.

*Mr. Petyt's Ancient Rights of the Commons of England asserted, f. 103.
Rot. Parl. 12 Ed. 4.
n. Rast. Stat. 12 Ed. 4. cap. 7.*

That valiant and great Prince Edw. 4. after the overthrow of his Enemies, and peaceful Possession of the Crown, assisted with the Judges of England, Arch-Bishops, Abbots, Priors, his Dukes, Earls, Bishops, and Barons, with the Great Men, or Knights of the Counties, and Commons in full Parliament, hath left this recorded to Posterity; They call this Great Charter the Laudable Statute of Magna Charta, which Statute was made for the great Wealth of this Land; Upon which Magna Charta, the great Sentence and Apostolick Curse by a great number of Bishops was pronounced against the Breakers of the same, and the same Sentence is four times in the Year openly declared, according to the Law of Holy Church, and in affirmance of the said Statute of the said Great Charter divers Statutes have been made and ordained.

And great reason certainly they had to put so high a value on that so famous Charter, since the substantial part of the Laws thereof were no less than the great Results, Decrees, and Judgments ordained by the Prudence and Justice of the British, Saxon, and Danish Dynasties, founded upon two grand and principal Bases or Pillars LIBERTY and PROPERTY, which like those two brazen ones called Boaz and Jachin supporting the Temple of Solomon, upheld the tottering Frame and Fabrick of our ancient Government, though often by evil Men designed to be overthrown.

*Preface to Cook's Instit.
Moor's Reports fol. 797. per Popham.
Matt. Paris. 839.*

A Charter Empta & Redempta, purchased and redeemed with vast Treasure of the Nation, and the Effusion of a Sea of Christian Blood: A Law published and established with fearful Execrations and terrible Curses against the Infringers and Breakers thereof, and all done with that Religious Solemnity, and profound Ceremony, as it may seem inferior only to that of the Commandments of Almighty God, given to the Jewish Nation. Thus far Mr. Petyt.

From

From all which 'tis plain, that by Prescription even as high as the Roman Times,

1. London was a famous City and Corporation, and had Co. a l. l. f. 150. Franchises, Liberties and Customs.

2. That those Franchises, Liberties and Customs out-lived the Roman Power, and descended to succeeding Generations.

3. That they flourished under the Saxon Government. And,

4. Were ratified and confirmed by Parliament held in the Reign of William the First.

5. They were confirmed in Parliament by the Magna Charta's of William 1. Hen. 1. King Stephen, Hen. 2. King John, Hen. 3. and Edw. 1. and by particular Acts of Parliament of Ed. 2. Ed. 3. and Rich. 2. and by the general Acts of Parliament of Hen. 4. Hen. 5. Hen. 6. and Ed. 4. and that which is of no small concern, is,

The Rights and Privileges of the City of London are rendered inviolable by the General Coronation Oaths of the Saxon Kings, by the solemn Oath of William the first, and by the particular Coronation Oaths of William the Second, Henry the first, King Stephen, Richard the first, King John, Henry the third, and Edw. the first, and all succeeding Kings down to this day.

I shall not give you the trouble of the several Oaths at large, but only recite to you what principally makes to my point, referring you for the rest to the Books from whence I collect them.

To begin with the Oath of the Saxon Kings, which they took at their Coronation.

It was, That they would peaceably govern the Church and the People of their Kingdom, and would forbid all Injustice to all Orders of Men, and that in all Judgments Justice and Mercy should be mingled together.

The Oath of the Saxon Kings. in vit. Ælfredi mag. f. 62.

Dei, Ecclesiarum ac universum Imperii Populum Christianum vera Pace fructurum, omnemque iniquitatem omnibus ordinibus inter dicturum & mandaturum in omnibus Judiciis Justitiam & Misericordiam.

tem omnibus ordinibus inter dicturum & mandaturum in omnibus Judiciis Justitiam & Misericordiam.

William the Conqueror's Oath just before he was crowned, was,

That he would govern all his Subjects with that prudent Care as became a good King; Enact, and himself keep Right Law, and would interdict to the utmost of his Power, all false Judgments, and that he would govern both the English and the French by the same Equality of Law, without respect to either.

Promisit se velle cunctum populum sibi subiectum iuste ac Regali Providentia regere, rectam Legem statuere & tenere, injustaque Judicia penitus interdicere. Hanc Anglos quoque Francos

ved. pars prima fol. 218. l. 14. Quod se modeste erga subiectos ageret, & æquo jure tractaret. Malmesb. lib. 3. fol. 154. b. lin. 8.

William the Second (in die Coronationis sue) upon his Coronation, as well by himself, as by all those whom he could get to pass their Faith for him, promised by Oath to Lanfrank, Archbishop of Canterbury (if he might be King) that he would observe Justice, Equity and Mercy throughout his whole Kingdom,

Ccepit tam per se quam per omnes quos poterat fide Sacramento; Lanfranco promittere Justitiam, Equitatem & Misericordiam se per totum Regnum, si Rex foret, in omni Negotio observaturum, Pacem, Libertatem, securitatem, Ecclesiarum contra omnes defensurum. Eadmer.

lib. 1. fol. 13 lin. 51. and

and that he would stand up in the Defence of the Peace, Liberty and Security of the Church against all Men.

Bonas & sanctas
omni Populo Leges
se servatur. & omnes
Oppressiones & ini-
quitates quæ sub fra-
tne suo emiserant
in omni sua Domi-
nat. tam in Ecclesiis
quàm in Secularibus
negotiis prohibitu-
rum & subverturum,
spolponderat: æc om-
nia iuri-jurandi inter-
jectione firmata sub monimento Litterarum sig. sui Testimonio roboraturum, *Ea. Imper. lib. 3. fol. 55. lin. 44.*

Henry the First upon his Coronation-day swore before the Clergy and People, that he would keep the good and sacred Laws, and all his People should have the benefit of them, that throughout all his Dominion he would forbid all manner of Oppressions and Injustice, into which the Nation was sunk in his Brother's Reign, as well in matters belonging to the Church, as in those that were secular, and all these things he further corroborated under his own Hand and Seal.

Omnes Eadmo-
ni Mischingas &
Injustitias sive per
Vice Comites vel al-
ios quoscunque male
inductus funditus ex-
tirpo, bonas Leges
& antiquas & justas
Consuetudinis in
Murdris & Pluris
aliis Causis observa-
re vel observari præ-
cipio & constituo.

Juravit & vovit,
Sacr. Sanct. Evang. &
plurimorum sancto-
rum Reliquis coram
eo positis quod rec-
tam Justitiam exer-
cebit in Populo sibi
commissio deinde ju-
ravit quod Leges
malas & Consuetu-
dines perversas si aliquæ
sint in Regno suo delebit & bonas custodiet. *Bromp. 1158. lin. 57. Vid. Mart. Paris fol. 153. lin. 39.*

Quod in Populo si-
bi commissio rectam
Justitiam tenebit,
quodq; Leges malas
& iniquas Consue-
tudines si quæ sint in
Regno suo delebit &
bonas observabit &
ab omnibus faciet
observari. *Mart. Paris fol. 189. l. 15.*

Ego Edw. Filius &
Heres Henrici Reg.
prohiteor, confiteor &
promitto coram Deo
& Angelis ejus amo-
do & deinceps Le-
gem & Justitiam pa-
cemq; sacre Dei Ec-
clesiæ Populoq; mi-
hi subiecto sine res-
pectu servare, sicut
cum Consilio Fide-
lium nostrorum inve-
nire poterimus, Pon-
tificibus quoq; Ec-
clesiæ Dei condignum & canonic. Honorem exhibere, quæ ab Imperatoribus & Regibus Ecclesiæ sibi commissis
collata sunt inviolabile conservare, Abbatibus & Valis Divinis congruum honorem secundum Fidelium nostro-
rum, &c. sicut Deus me adjuvet & sacra Dei Evangelia cetera desiderant. *Cam. Brit. Annal. Hybern. f. 800.*

King Stephen, as you may find under his Seal and Charter, *concessit & juramento vovit*, 'swore utterly to extirpate all Ex-
actions, Mischings, and Injustices illegally introduced either
by Sheriffs or any other whomsoever; That he would observe
himself, and command and cause to be observed the good and
ancient Laws and just Customs, in Murders, Pleas, and other
Causés.

Richard the First, the Oath he took at the high Altar in West-
minster-Abby is thus Registered in Brompton: 'He swore and
vowed upon the holy Evangelists, and the Reliques of several
Saints, that he would execute upright Justice to his People
committed to his care, and that he would abrogate and disannul
all Evil Laws and wrongful Customs, if there should be any
found within his Kingdom, and that he would observe and
maintain those that were good and laudable.

'Henry the Third swore, That he would likewise, see that up-
right Justice should be administred to his People committed to
his Charge, and that he would abolish and extirpate all bad
and wicked Laws and Customs if there should be any found
within his Kingdom, and observe the good, and cause all
Men else to observe and keep them.

Edward the First, his Coronation Oath was thus: — Ego
'Edwardus Filius & Heres Henrici Regis, &c. I Edward, the
Son and Heir of King Henry, do profess, declare and promise
before God and his Angels, That from henceforth I will exe-
cute Law, Justice and Peace to the Holy Church of God, and
to the People over whom I have the Charge, without any
respect, as We shall be able to discern with the Advice of our
Parliament; and also to the Priests of God's Holy Church,
will exhibit, and pay all befitting and canonical Honour, and
inviolably preserve whatsoever hath been conferr'd upon the
Church by Emperors and Kings committed to them, as also to

'the Abbots and holy Vessels a becoming Honour according
'to our Counsellours, &c. So God me help and his holy Gospel.
The rest of the Oath is wanting, but much desired.

I shall give you the next Oath at full length, and it is that
of Edward the Second.

S I R E,

Voulez vous grantier & garder & par vostre serment confirmer
au Peuple d'Engleterre les Leys & les Custumes a eux grantiez par
les anciens Roys d'Engleterre voz Predecessours droitz & devontez
à Dieu & nomement les Leys les Custumes & les Franchises grantez
au Clergie & au Peuple par le glorieus Roy Seint Edward vostre
Predecessour.

Rot. Clauf. 1 E. 2.
m. 10. pars unica.

Responsio Regis, Jeo les grant & promet.

Episcopus, Sire, Garderez vous à Dieu & Seint Eglise, au
Clergie, & au Peuple Pees, & accord. en Dieu entirement selonc.
vostre poer.

Responsio Regis, Jeo les Garderai.

Episcopus, Sire, Freez vous en toutz voz Jugements ouele & droit
Justice & discretion en Mesericord. & Verité à vostre Poer.

Responsio Regis, Jeo les frai.

Episcopus, Sire, Granterez vous à tenir & gardir les Leys & les
Custumes droiteres les quels la Communalte de vostre Roiaume avera
esleus & les defenderez & afforcez al'bonheur de Dieu à vostre
Poer.

Responsio, Jeo les grant & promette.

'Tis true, this is the first Coronation Oath that I meet with upon
Record, formally entred; yet I doubt not, had the Records of
former Kings been preserved and left to Posterity, but we should
have found them much what the same with this. The Monkish
Writers, as in this King's Coronation, so in others precedent, give
only a summary Account of them, more Historico.

And as this Oath is the first compleat one I meet with, so for
fear least all may not understand it, as it is in its Original Language,
I will take the pains to give it them in English.

'Sire, Will you grant and keep, and by your Oath, con-
'firm to the People of England, the Laws and Customs to them
'granted by the ancient Kings of England, your lawful and reli-
'gious Predecessors, and namely the Laws, Customs, and Fran-
chises

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‘chises granted to the Clergy and to the People, by the glorious King Saint Edward, your Predecessor.

The King's Answer.

I grant, and promise to keep them.

The Bishop. Sire, Will you keep Peace and Agreement entirely, according to your Power, both to God, the Holy Church, the Clergy, and the People?

The King's Answer.

I will keep it.

The Bishop. Sire, Will you, to your Power, cause Law, Justice, and Discretion in Mercy and Truth to be executed in all your Judgments?

The King's Answer.

I will.

The Bishop. Sire, Will you grant to hold and keep the Laws, and rightful Customs, which the Commonalty of your Kingdom have, and to defend and uphold them to the Honour of God so much as in you lies?

The King's Answer.

I grant and promise so to do.

And this done, the King swore to the Observation of what he promised upon the Altar.

In Rot. Claus. r As to the Oath of Edward the 3d, Son and Successor of Edward the 2d, it is entred likewise in French in the like Form.
E. 3. pars prima. m. 24 in dorso.

Richard the Second, his Coronation-Oath.

The Oath is so be As to that particular which concerns this Point, is this: ‘ That
seen in Rot. Claus. ‘ he would confirm and religiously keep the Laws and Customs
1 R. 2. m. 44. Sacr. ‘ granted by the ancient, just, and devout Kings of England, the
Domin. Regis Corpore ‘ Progenitors of the said King, to the People of the Kingdom of
rale de concedendo & ‘ England, and especially the Laws, Customs, and Liberties
servando cum sacra ‘ granted by the most glorious and most holy King Edward to
Confirmatione Leges ‘ the Clergy and People of the aforesaid Kingdom. But the
& Consuetudines ab formal Oath of this King Richard is enrolled in the Parliament
antiquis, justis & De- Roll of 1 H. 4. N. 16, 17.
o devotis Regibus
Angliz Progenitori-
bus ipsius Regis Ple-
bi Regni Angliz con-
cessio & præsertim Leges, Consuetudines, & Libertates a gloriosissimo & sanctissimo Rege, Edwards Clero, Po-
puloq; Regni prædicti, concessis.

Which

Which form agrees with that of *Edward the Second*, and *Edward the Third*, and the like form as to substance hath been observed even down to our time by all succeeding Kings.

Now to imagine that after so much Treasure paid to the Crown by the Citizens of London for their Liberties; after so many Confirmations of them by the Charters of so many Kings of England; and those back'd with so many Acts of Parliament; and all further strengthened and corroborated by the Coronation Oaths of all these Kings: To imagine I say, after all this, that so Antient and Famous a City as London can be destroyed and annihilated in two or three Terms, after so many Centuries of Years by any Power less than that of Parliament, and become a common Vill as *Islington*, &c. is so strange a piece of Extravagance, that I wonder how it can ever meet with a favourable Entertainment in the Mind of any, that will give themselves the liberty but of half an hour's serious Consideration upon the matter; For I dare be bold to affirm, that there cannot any such President be found, not only, I say against the Rights of this Renowned City of London, but of any other City, or Town Corporate, or other body Politick in all Records, Histories, or Law-books to this instant of time.

I shall now proceed to acquaint you with the Statute of the 1st of King James, and the Petition of Rights, and give you some few Observations deduced from them, and so upon the whole leave every Man to think, or all, as his Judgment, Honour, Loyalty, and Conscience shall best direct and influence him.

It was the Solemn Declaration of King James, and that confirm'd by the greatest Authority of the Kingdom, himself being present in Parliament.

'That to alter or innovate the fundamental and antient
'Laws, Priviledges, and good Customs of this Kingdom,
'wereby not only the Royal Authority, but the People's security of Lands, Livings, and Priviledges both in general and particular are preserved and maintained: He
'said, To alter them, it was impossible, but that present
'Confusion should fall upon the whole State and Frame of
'this Kingdom.

Parl. Stat. 1 Jac. c. 1.

And in the Declaration of divers Rights and Priviledges of the People in the third Year of King Charles the First, that glorious Martyr; It is declared, 'That the Subjects ought to be
'governed by the Laws and free Customs of the Realm, and
'that no Offender of what kind soever is exempted from the
'Proceedings to be used, and Punishments to be inflicted by
'the Laws and Statutes of this Realm; and that all the King's
'Officers and Ministers should serve him according to the Laws,
'and Statutes of the Realm, as they tendred the Honour of his
'Majesty, and the Prosperity of his Kingdom.

Petition of Rights,
3 Car. 1.

And

And thus have we in short, seen the Force and Power of the sacred Coronation-Oaths both of the *Saxon, Norman and English Kings*, and deliver'd the great Judgment of King *James*, and his present Majesty's most Blessed Father, That there are **fundamental and ancient Laws and Customs** of the Kingdom, whereby both the *Royal Authority*, and the *People's Security* of their Lives and Estates, both in general and particular, have been preserved and maintained, which whensoever invaded, it was impossible but that a dreadful Desolation should fall upon the whole Kingdom.

Thus have we seen that the *Subjects of England* ought to be governed by the *Laws and free Customs* thereof, and that *all the King's Ministers* ought to make the *Laws and Statutes* of the *Realm* the measure of their *Actions*, and if they do contrary to them, they are not to be exempted from due Punishments; and that these are fundamental *Principles* of the *English Monarchy*, I shall beg the Reader's Favour to present him with some few Instances.

The Lawyers say, and that most justly, That the *Law of England* is founded upon *Reason*: We have had many Kings endowed with excellent Science, but (as my Lord *Cook* says of King *James*) 'Not learned in the *Laws of the Realm of England*; and Causes which concern the Life, or Inheritance, or Goods, or Fortunes of the *Subject*, they are not to be decided by 'Natural Reason, but by the Artificial Reason and Judgment 'of Law, which Law is an Act which requires long Study and 'Experience before that a Man can attain to the Cognizance 'of it, and the Law is the golden Met-wand and Measure to 'try the Causes of the Subjects, and which protects the King 'in Safety and Peace.

(a) *Le Roi ne sera concluë à mensure ou à dire le verité mes le Ley & d. judgera luy pl. f. toll. d'estre deceive* Cook's 1 Rep. f. 43 a. From this Consideration proceeds the Rule of Law, (a) That the King in pleading, shall not be concluded to shew or to say the Truth, but the Law judges him very often to be deceived.

(b) The King can do no Wrong, neither will his Prerogative be any Warrant to Him to do any Injury to another. (b) Le Roy ne oit fait tort, ne son Prerogative soit estre al. un garrantis à lui de faire inju. le al autre, *Almondest's Case*, 1 Rep. f. 44 b. Vid. *Plowd. Com. f. 247 a.*

Est le dute de Subjects a veir que le Roy soit virement enson e, Car le Roy ad le Charge del Bi. en publique & par eco ne poet entend. ses private besoignes, & les grants que il fait, il fait come Roi & parco come Roi il doit estre illat instruit que son purpote & intent. prendra effect. Cook's 1 Rep. fol. 52. a. It being the duty of Subjects to see that the King be truly informed, for he hath the Charge of the Publick-Weal, and therefore he cannot attend his private Businesses, and the Grants that he makes, he makes as King, and therefore as King, he ought to be so instructed that his Purpose and Intent should take Effect.

If he makes a Charter, *de gratia speciali, certa Scientia & mero motu*, and that is solemnly confirmed under the Great Seal of England, yet those Clauses, *Non valent in illis in quibus presumitur, Principem esse ignorantem*, are of no force, as to those things in which it is presumed that the King is ignorant, and therefore the Courts of *Westminster-Hall*, notwithstanding such Charter so solemnly made and ratified, when it appears that the King was deceived in Law, have adjudged them to be void: And in the great Case of 28 H.8. in Parliament, when the Bishops of *Salisbury* and *Worcester*, being two Foreigners, were deprived of their Bishopricks, it was declared by Act of Parliament, That the King having no Knowledge nor other due Information or Instruction of the Statute of *Provisors*, had, contrary to those Statutes, nominated and preferred *Lawrence Campegius* and one *Hierome* to those Sees.

Idem fol. 33. a.

Act Parl. 28. H. 8. n. 23.

In the Message sent by Ed. 6. and his Council, to the Rebels in *Devonshire*, The Council tell them that the six Articles were taken away by Parliament; 'Dare then, say they, any of you with the name of a Subject, stand against an Act of Parliament, 'a Law of the whole Realm? What is our Power, if Laws 'should be thus neglected; yea, what is your Surety, if Laws 'be not kept?

Fox's Martyrol. 2 vol. p. 658. 1 col.

Stephen Gardiner Bishop of *Winchester*, in his Letter to the Lord Protector, the Duke of *Somerset*, in Edw. 6. time, writes thus: 'Now whether the King may command against an Act of 'Parliament, and what danger they may fall in that break a 'Law with the King's Consent, I dare say, no Man alive at this 'day hath had more experience, what the Judges and Lawyers 'have said, than I.

Id. in eodem volum; fol. 2. col. 1.

1. I had Experience in my old Master the Lord Cardinal, who obtained his Legacy by our late Sovereign Lord's Request at *Rome*, and in his Sight and Knowledge occupied the same with his two Crosses and Maces born before him many Years, yet because it was against the Laws of the Realm, the Judges concluded the Offence of the *Præmunire*.

For which when he was indicted in the King's Bench, though he pleaded his Ignorance of the Statute of *Præmunire*, yet that would not help him, but he was forced to submit himself to the Law, whereupon it was declared in a great Council convened at *Windſor* by all the Lords, and other the King's Council, that he was out of the King's Protection, that he had forfeited his Goods and Chattels, and that his Person might be seized on.

Dr. Burnet's Reformation. 1 Vol. fol. 80. Anno 1539. Fox Vol. 2. fol. 353. col. 2.

And notwithstanding his Allowance made by the King of his Legantine Power, to which the whole Clergy of England, knowing

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knowing the King's declared Pleasure therein, submitted; yet they were all indicted in a *Premunire* in the King's Bench, for that Submission, though by the King's Consent, to the illegal Power of the Legate, and thereby breaking the Statutes against *Provisions* or *Provisors*: nay, it appears in the Rolls that several Commissions were granted under the *Great Seal* in Supportation of that Authority, but all in vain: The King could do no wrong, he was misconfutant of the Law, nor had he power of himself to alter, suspend, or repeal it, and therefore it was in vain for the Clergy to pretend it was a publick and an allowed Error, and that the King had not only connived at the Cardinal's Proceedings, but had made him all the while his chief Minister, that therefore they were excusable in submitting to an Authority to which the King gave so great Incouragement, and that if they had done otherwise, they had been unavoidably ruined. But it was answered, that the Laws were still in force, and that their Ignorance could not excuse them, since they ought to have known the Law; yet since the Violation of it was so publick, tho the Court proceeded to a Sentence that they were all out of the King's Protection, and were liable to the Pains in the Statute, the King was willing upon a reasonable Composition, and a full submission, to Pardon them: but before that was done, they were forced in the Convocation to acknowledg the King Supream Head of the Church, and the Province of *Canterbury* to pay 100000 *l.* in lieu of all Punishments which they had incurred by going against the Statutes of *Provisors*, and the Province of *York* 18840 *l.* with another Submission of the same nature, and so they had a general Pardon confirmed by Act of Parliament.

Dr. Burnet's 1 Vol.
fol. 112, 113. Anno.
1531. 30 H. 8.

From all which, it may be observed how careful the King's Ministers ought to be in preserving and keeping inviolable the sacred Coronation-Oaths of their Princes, with which by Law they are in a special manner *intrusted*; and when they have forgot the duty of their own Oath and Office, it is the Happiness and Safety of both *Prince* and *People*, that in all *Ages* there hath still been a *Court Sovereign* to call them to a strict and severe *Account*, and to make them memorable *Examples*, not only to the present, but to all *future* Generations.

I shall pass over the Punishment upon the *Justices* in King *Alfred's* time (which you may read at your leisure in the *Mirror of Justice*) and shall come to the *neerer* Times of our own *Norman* and *English* King's and I'll begin with,

Horn. Mirror of
Justice, p. 239, 240.
241, 243, 244.

1. One *Ralph Flambard* in the Reign of *William the Second*, who was a Man of a mean *Extraction*, being the Son of *Turfin*, a common secular Priest of *Bayon* in *France*, who by infamous Flattery and crafty Accusations, got himself advanced to the *Bishoprick* of *Durham*, Treasurer of *England*, and *Primer Minister* of *State*, of whose execrable Villanies both *Malmesbury*,
Ordericus

Ordericus Vitali, and *Matthew Paris*, give a large Account (to whom because I design brevity, I will refer the Reader) at last this *Flambard*, ad omne scelus paratus, a Man dextrous in all Wickedness and Villany, was in Parliament 1 Hen. 1. impeached, and by the Common Council of England committed to the Tower, from whence *Custodibus suis pecunia corruptis*, by corrupting his Keepers he slipt Coller, made his Escape and fled into Normandy.

Malmesb. fol. 89.
Order. Vital. f. 6; 8.
Matt. Paris. fol. 96.

Parl. 1 H. 1. Comuni Concilio Gentis Anglorum.

2. *Henricus de Bathonia* in the 34 H. 3. was one of the Justices of the Common Pleas, and *Gonciarius specialis Regis*, a Man very learned in the Laws of the Land, he was accused for being *Domini Regis subdolos subplantor in Officio Justiciaria sibi Commissio*, a cunning Supplantor of his Sovereign Lord the King in his Office of Justiciar committed to him, and that by natural Inclination he was, right or wrong, so gaping after *Bribery* and *Corruption*, that in one bare Journey of a Circuit it was reported he appropriated to himself above 200 pounds worth of Land, (no mean Sum in that Age) and the King *reputans causam hanc crimen Lesæ Majestatis*, looking upon him for this no less than guilty of high Treason, he was in the Parliament following impeached at the Suit of the King, charging him among other things, that he was a *Disturber* and an *Aggrievor* of the whole Kingdom, and that he stirr'd up the whole Parliament against him, by reason whereof a general Sedition might very likely have ensued. I find no Judgment given, but this is certain, that the King was so enrag'd against him, that he openly declared, *Ut si quis Henricum de Bathonia occideret, quietus sit à morte ejus, & quietum eum protestor*, that if any body would but kill this Henry de Bathonia, he should be discharged of his Death, and secur'd by the King; but at last, *pro duobus millibus marcarum, plene reconciliatus fuit*, a good round Fine got his Pardon, and he was fully reconcil'd to the King.

Matt. Paris. f. 817, 814, 820.

Stimulatus ac voluntarius adeo turpibus, per fas & nefas, emolumentis inhiabat, ut in una sola itineratione plus, ut dicebatur, quam ducentas libras terræ sibi appropriaret.

Imponens eidem inter cætera quod totum Regnum perturbavit & Barnagium universum contra ipsum Regem exasperavit, unde seditio generalis imminabat.

3. The memorable Judgment that was given in the Parliament of 18 Ed. 1. against the Justiciars and others of the King's Ministers for their intolerable Injuries and Oppressions committed both on Church and State, contrary to the Great Charters so many times purchased and redeemed, granted and confirmed to the Subjects by the several Oaths of Ed. 1, Hen. 3. and King John, and corroborated by the dreadful thundering out of the Sentence of Excommunication against the Invaders of the Common Liberties of England contained in them; that those Criminals had subtilly and maliciously by divers Arguments of Covetousness and intollerable Pride, incited the King against his faithful Subjects, and counselled him, contrary to the good and wholesome Advice of his Parliaments, and had not been afraid impudently to assert and prefer their own foolish Counsels, as if they were more fit to consult about, and to preserve the Commonwealth, than all the Estates of the Kingdom assembled together; that they

Judicium redditum versus Justiciarios & alios Ministros Dom. Regis in Parlamento 18 Ed. 1.

Ex Chron. ab An.
1172. 1 Ed. 1 ad An.
1317. 10 Ed. 2. m. 8.
*The Security of Eng-
lish Men's Lives, or
the Trust, Power,
and Duty of the
Grand-Jury of Eng-
land. pag. 156. to the
End.*

they had troubled the Land, and disturbed the Nation, grievously oppressed the People, and under pretence of expounding the ancient Laws had introduced new and evil Customs; so that through the Ignorance of some, and Partiality of others (who either for reward, or for fear of great Men had been engaged) there was no certainty in the Law, that they scorned to administer Justice to the People; they cast into Prison many of the King's faithful Subjects, like Slaves, for no real fault in the World; where, with Grief, Hunger, or the excessive weight and burthen of their Chains, they died; they extorted at their Pleasure infinite Sums of Money for their Ransoms, by reason whereof they contracted the irreconcilable Hatred, and dreadful Imprecations of all Men, as if they had obtained such an incommunicable Priviledge by the detestable Charter of *Non obstante*, That they might at their own Lust be free from all Laws both humane and divine; at last, notwithstanding some of them absconded, yet by Judgment of Parliament, all (except John Mettingham and Elias Beckingham, who are named for their Honour) were condemned, some to Imprisonment, others to Banishment, or Confiscation of their Estates, and none escaped without grievous Fines, and the loss of their Offices.

Cook's 3 Instit.

fol. 223.

Rot. Parl. Anno 24

E. 3. p. 3. m. 2. dorso.

Rot. Parl. An. 25. E.

3. p. 1. m. 7.

Quia predictus
Willielmus de Thorpe
Sacramentum Do-
mini Regis quod er-
ga Populum habuit
custodiendum fregit
maliciose, false, &
rebelliter in quantum in ipso fuit, & ex causis supradictis per ipsum Willielmum (ut predictum est) expresse cog-
nitis suspendatur. Et quod omnia Terræ & Tenementa, Bona & Catalla sua Domino Regi remaneant forisfactis.

4. In the 24 E. 3. Sir William Thorpe, Chief Justice of the King's Bench, was indicted before the Justices of Oyer and Terminer, and found guilty, and afterwards the Judgment was confirmed in Parliament, which was, That this Sir William having maliciously and falsely, and rebelliously, as much as in him lay, broken the King's Oath which he had the keeping of towards the People, he was adjudged to be hang'd, but afterwards paying a great Fine to the King, he procur'd his Pardon.

Anderson's 1 Rep.
Case 201. fol. 156,
157, 158.

Deum præ Oculis
non habent.

Ult Filius Diabolicus.

Ult ipse magis sin-
gulares favores dicti
nuper Regis adhibet.
unde magnat. fieri
potuisset, ac totum
Regnum Angliæ se-
cundum ejus Volun-
tatem gubernaret. f.
156. falso, decep-
tive, & proditorie,
Legem Angliæ sub-
vertens, diversos Li-
gatos i. nuper Re-
gis ex sua falsa covina & subtil. ingenio contra communem Legem Regni Angliæ de diversis Feloniis, Murdris, &
aliis Artic. & Offen. per ipsum Rich. tunc supposit. indict. fecit ac indict. procuravit, abbatavit & excitavit. when

5. The last Instance I shall give, is the Case of Sir Richard Empson, who was a Lawyer, and Privy-Counsellor to Hen. 7. he was indicted in the first Year of King Henry the 8th, That he not having the the Fear of God before his Eyes, but like a Child of the Devil subtilly designing the Honour, Dignity, and Prosperity of the late King, as also the Prosperity of his Kingdom of England to destroy; and that he might accumulate to himself the particular Grace and Favour of the said late King, that he might be made a great Man and govern the whole Kingdom of England according to his Will and Pleasure, falsely, deceitfully, and traiterously subverting the Law of England, of his own covin and subtle Inventions did cause, procure, abet and stir up several of the King's Leige People to be indicted for divers Felonies, Murders, and other Offences which he contrived, contrary to the Law of the Land: and

when they were so indicted, he committed them to Prison without any Process of Law, as to the Fleet, Counter, and the Tower of London, there to remain at his will, until they had paid divers great Fines and Ransoms for his own profit in Subversion of the Law, the great Damage and Impoverishment of the Subjects, by reason whereof the People being miserably harrassed and oppressed with such his Exactions, did murmur and repine against the late King, to the manifest Danger of the said King and the Kingdom, and to the utter Subversion of the good Laws and Customs of the Realm; whereof being found guilty, Judgment of Death passed upon him, * and he was accordingly executed.

Per quod plures & diversi populi dicti nuper Reg's hijs gravaminibus & indebitis exactionibus multipliciter torquebantur in tant. quod Populi dicti nuper Regis versus i. sum nuper Regem multipli-

citer murmurabant & malignabant in magnum periculum ipsius nuper Regis Regni sui Angliæ ac ad subversionem Legum & Consuetudinum ejusdem Regni. * Speed's Chron. fol. 903. N. 3.

The Consideration of some of the forementioned Presidents, and others, printed in my Lord Chief Justice Anderson's Reports, were allowed to be sufficient Reasons and Authorities by Queen Elizabeth, why the Judges of the Common Pleas, refused to admit and comply with certain illegal Letters Patents which She had sent to them on the behalf of her Servant, one Richard Cavendish; they confess, That they had not obeyed the Queen's Commandment therein, nor could they; But they said, that it was no Offence nor in Contempt to her Majesty, because those Commands were contrary to the Law of the Land; In which Cases it was said, That no Man is bound to obey such Commands; and further they said, that the Queen her self was sworn, and had taken an Oath to keep the Laws, and so likewise had the Judges; to break which voluntarily, as to what concern'd the Judges, they answered, that if they had obeyed those Commands, they should do otherwise than what the Law could warrant them in; nay, directly against the Law, which would be contrary to the Oath they all had solemnly taken, in Offence to God, to her Majesty, to their Country, and Common Weal, in which they were born and had been bred; and if the Fear of God did not restrain them, yet the dreadful Examples of others, and the Punishments of such who had before offended against the Laws, would remember them, and keep them from doing any such thing, and for that the Queen and the Judges were sworn, therefore they would not act according to her Letters Patens.

Anderson's 1^o Rep. 16.

Il's doient confessé que ils ne ont performé les Commandements; mes ils disoient que ceo ne'it aucun offence ou contempe à sa Majestie pur ceo que les Commandements fuerunt encounter le Ley de Terr. Enquex Cases fuit dit que nul est lye de obeyer tiel Commandement, fol. 155.

The Solemnity of the Proceedings in this case was very great, and memorable.

1. The Queen commanded the Lord Chancellour, Sir Christopher Wray, the Chief Justice of the King's Bench, and the Master of the Rolls to hear the Reasons of the Judges. Fol. 154.

2. Those Judges were the Lord Anderson, Mr. Justice Mead, Mr. Justice Windham, and Mr. Justice Periam, Men

H

that

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that were religious to the Church, loyal to the Queen and of excellent Judgment, Gravity, and Wisdom in their Professions.

3. The Lord Chancellour having heard their *Reasons*, allowed of the Matters, and gave his *Approbation* of them.

4. He having acquainted her Majesty with them, the Book says, *She readily accepted of them.*

And now to draw to a Conclusion.

The CONCLUSION.

TIS said, *The King can do no Wrong*, as I have before observed, and it is upon a great *Reason of Law* that it is so said; for the *Wisdom* of the *Law* hath provided a *Council* to advise and direct him for the better Preservation and Observance of his *Coronation Oath*.

Riley's Plac. Parl.
fol. 317. q^uben &
loiaument Conseil-
lerer le Roy solonc
vostre sen & vostre
p^ouoir.

Does the King resolve to declare his Will and Pleasure by his *Charter*? The Law hath taken care that the *Secretary of State*, the *Masters of Request*, the *Attorney General*, the *Clerk of the Signet*, the *Clerk of the Privy Seal*, and the *Lord Keeper*, or *Chancellour of England*, successively, shall all have the Perusal and Examination thereof, who by their *Oaths* are obliged well and legally to *Council* the King according to their *Knowledge* and their *Power*, and if any of these (who generally were *Lawyers*) did misguide the King in *Point of Law*, they were *answerable* therefore in the *Supream Court* of the *Kingdom*; I know very well, that in the *Modern Oaths* translated into *English*, the word *Loiaument*, is rendred *Truly*, and tho I agree that it is the *Duty* of every Man in his Place and Office *Truly* to advise and serve the King; yet *Loiaument* legally to counsel him, is a word of *higher Import*, and larger Extent than the *other*, by how much he stands bound to make his Advice to be agreeable to the *Rules of Law*, and not the mere *Will* and *Pleasure* of his *Prince*; and indeed no Man can be said *Truly* to serve the King, but he that serves him *Loiaument*, according to the *known Law*, and that Man is the only truly loyal *Subject*.

For *Bracton* that famous Judg, in *Henry the Third's* time, had delivered it as a perpetual Rule both of Law and Truth; *Lex facit Regem, & quia per Legem factus est, Rex attribuat*
ci,

ei, viz. *Dominationem & Potestatem, & dignum est quod per ipsum tueatur Lex cui Honorem tribuit & Potestatem.* Bracton lib. 1. cap. 8. f. 5. It being the greatest Honour and Priviledg of a King to rule his Subjects according to Law.

Seneca (a wise Man, Tutor to an Emperor, and one that well understood what he wrote) brake forth into this passionate Interrogation, *Quid omnia possidentibus deest? ille qui verum dicat;* what thing only do they want who possess all things? even (answers he) a Person that will speak down-right Truth, and give them honest Advertisements; and therefore the Lord Chancellor Bacon, among many other his excellent Counsels to the late Duke of Bucks, urgeth this following Document, with a warmer Zeal than ordinary. In respect of the King your Master, (saith he) you must be wary that you give him true Information; and if the matter concern him in his Government, that you do not flatter him, if you do, you are as great a Traitor in the Court of Heaven, as he that draws his Sword against him.

Sen. de Benef.

Caballa of Letters fol. 41.

King James gives these sort of Persons no better Names, than those of Vipers and Pests to their Prince and the Common Wealth; and that Glorious Martyr, King Charles the First, resembles them to base Flies which hang upon prosperous Princes, as on Summer Fruits, but Adversity (saith he) like cold Weather, drives them away.

In his Speech to the Parliament, 1609, his Works, fol. 331.

ΕΙΧΛΩ ΒΑΘΛΙΚΩ, Mediat. 27. Parag. 4.

In fine, it is, and hath been an eternal Maxime of Truth in the Common Laws of England—; And that grounded upon no less Authority than the Divine Law of Almighty God, That the Law of the Kingdom hath so admeasured and ascertained the Prerogative of our Kings, That it will not suffer or permit them to prejudice or wrong the Inheritance of any of their Subjects.

Et comment que le Roi ad moultz Prerogatives per le Common Ley touchant sa persone ses Biens ses detts Duties & autres

choses personal, uncore le Common Ley adtielment ad mesure ses Prerogatives que ils ne tolrount ne prejudicarent le Inheritance de aucun. Plowden Com. fol. 136. a.

And of this Opinion and Judgment was his late Majesty of blessed memory, when he so solemnly declared and published to all the World, That the Law is the Inheritance of every Subject, and the only Security he can have for his Life, or Estate, and the which being neglected or disesteemed (under what specious Shew so ever) a great measure of Infelicity, if not an irreparable Confusion must without doubt fall upon them.

King Charles the First, his Declaration to all his loving Subjects, published with the Advice of his Privy-Council, 1628 Collections of Declarations, pag. 28, 29.

Therefore the main thing, next to Religion, on which a Prince's Prosperity will depend and move, is that of Civil Justice, wherein the settled Laws of these Kingdoms are the most excellent Rules a Prince can govern by; which by an admirable Temperament, give very much to Subjects Industry, Liberty, and happiness, and yet reserve enough to the Majesty, and Prerogative of any King, who owns his People as Subjects,

ΕΙΧΛΩ ΒΑΘΛ. 27. Mediat.

not

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‘ not as Slaves ; whose Subjection, as it preserves their Property,
 ‘ Peace, and Safety, so it will never diminish a Prince’s Rights,
 ‘ nor their ingenuous Liberties ; which consists in the Enjoy-
 ‘ ment of the Fruits of their Industry, and *the Benefit of those*
 ‘ *Laws, to which themselves have consented.*

‘ The King’s Prerogative (says this incomparable Prince a
 ‘ little after) is best shewed and excercised, in remitting, rather
 ‘ than exacting the Rigor of the Laws ; there being nothing
 ‘ worse than legal Tyranny. *Where the word of a King is, there*
 ‘ *is Power,* saith the Holy Scripture, which gives great weight
 and sanction to what this King of blessed Memory hath here in
 the same Meditation recommended, nor can I better tell how to
 conclude than with so sacred an Authority, which he prescribes
 as another Rule and Maxime to his present Majesty, and which
 as it was there particularly directed to him, so it ought to be
 written by no less than a Sun Beam to enlighten both the Prin-
 ces of this Age, and all succeeding Generations : his Words are
 these,

‘ Never repose so much upon any Man’s single Council, Fi-
 ‘ delity, and Discretion in managing Affairs of the first Mag-
 ‘ nitude, (that is, matters of Religion and Justice) as to create
 ‘ in your self, or others a diffidence of your own Judgment,
 ‘ which is likely to be always more constant and impartial to the
 ‘ Interest of your Crown and Kingdom than any Man’s.

‘ Next beware of exasperating any Factions by the Crossness
 ‘ and Asperity of some Men’s Passions, Humours or private Opi-
 ‘ nions employed by you.

‘ The more conscious you shall be to your own Merits, upon
 ‘ your People, the more prone you will be to expect all Love
 ‘ and Loyalty from them ; and inflict no Punishment upon them
 ‘ for former Miscarriages ; you will have more inward Complai-
 ‘ cency in pardoning one, than in punishing a thousand.

‘ Nor would I have you to entertain any Averfation, or dis-
 ‘ like of Parliaments, which in their right Constitution, with
 ‘ Freedom and Honour, will never injure or diminish your
 ‘ Greatness ; but will rather be as interchangings of Love, Loy-
 ‘ alty and Confidence, between a Prince and his People.

POST-

POST-SCRIPT.

The Oath of the Lord Mayor.

YE shall swear, That ye shall well and lawfully serve the King's Majesty in the Office of Mayoralty in the City of *London*, and the same City ye shall surely and safely keep to the behoof of his Highness, his Heirs, and lawful Successors, and the Profit of the King ye shall do; In all things that to you belongeth, and the Right of the King that to the Crown appertaineth in the same City of *London*, lawfully ye shall keep. Ye shall not consent to the decrease, ne concealment of the Rights, ne of the Franchises of the King; and where ye shall know the Rights of the King or of the Crown, be it in Lands, or in Rents, Franchises, or Suits concealed or withdrawn, to your Power ye shall do to repeal it; and if you may not, ye shall say it to the King, or to them of his Council, that you wete well say it to the King. Also lawfully and rightfully ye shall intreat the People of your Bailliwick, and Rightfully ye shall do to every one, as well to Strangers as others, to poor as to rich, in that belongeth you to do, and that for Highness, ne for Riches, for Gift, ne for Behest, for Favour, ne for Hate, Wrong shall ye do to no Man, ne nothing shall ye take, by which the King shall lese, or Right be disturbed or letted; and good Assise shall ye set upon Bread, [Wine] Ale, Fish, Flesh, Corn, and all other Victuails; Weights and Measures in the same City, ye shall do to be kept, and due Execution do upon the Defaults that thereof shall be found according to all the Statutes thereof made, not repealed, and in all other things that to a Mayor of the City of *London* belongeth to do, well and lawfully ye shall do and behave you: As God you help.

The Oath of an Alderman.

YE shall swear, That ye shall well and lawfully serve our Sovereign Lord the King in the City of *London*, in the Office of Alderman, in the Ward of N— wherein ye shall be chosen Alderman, and every other Ward whereof ye shall be chosen Alderman hereafter; and lawfully ye shall entreat the People of the same Ward of such things as to them appertaineth to do, for keeping of the City, and for maintaining of the Peace in the same; and the Laws and Franchises of this City, ye shall keep and maintain, within the City and without, after your wit and power; and attendant ye shall be to maintain the right of Orphans after the Laws and Usages of the same City; and ready ye shall be to come at the Summons and Warning of

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the Mayor and Ministers of this City for the time being, to speed th' Allises, Pleas, and Judgments of the Hustings, and other needs of this City, if you be not let by the needs of the King, or by some other reasonable Cause; and good and lawfull Counsel ye shall give for such things as touch the common Profit of the City; and ye shall sell no manner Victual by retail, as Bread, Ale, Wine, Flesh, ne Fish, by your Apprentices, Allowes, Servatits, ne by any other way, ne Profit shall ye none take of any such manner Victual so sold during your Office. **The Secrets of this Court ye shall keep, and not disclose any thing here spoken for the Commonwealth of this City, or that might hurt any Person or Brother of this said Court, unless it be spoken to your Brother, or to any other, which in your Conscience and Discretion ye shall think to be for the Commonwealth of this City; and well and lawfully ye shall behave you in the said Office, and in all other things touching the said City: As God you help.**

The Oath of the Sheriff.

YE shall swear, That ye shall be good and true unto our Sovereign Lord, the King of *England*, and unto his Heirs and Successors, and the Franchise of the City of London within and without ye shall save and maintain to your power; and ye shall well and lawfully keep the Shires of London and *Middlesex*, and th' Offices that to the same Shires appertain to be done well and lawfully ye shall do after your wit and power; and Right ye shall do as well to pooꝝ as rich, and good Custom you shall none break, ne evil Custom arreꝛe; and the Assise of Bread, Ale, and all other Victuals within the Franchise of this City, and without, well and lawfully ye shall keep, and do to be kept; and the Judgments and Executions of your Court, ye shall not tarry without cause reasonable; ne Right shall you none disturb. The Writs that to you come touching the State and Franchise of this City, you shall not return till you have shewed them to the Mayor and the Council of this City for the time being, and of them have Adviseꝛment; and ready you shall be at reasonable warning of the Mayor, for keeping of the Peace, and maintaining the State of this City; and all other things that longen to your Office, and the keeping of the said Shires, lawfully you shall do, by you and yours, and the City you shall keep from harm after your Power, and the Shire of *Middlesex*; ne the Goal of *Newgate* you shall not let to farꝛe: As God you help.

A D D I T I O N.

Ye shall also swear, That ye shall freely give all such Rooms and Offices of Serjeants and Peomen as shall happen to become void during the time ye shall remain in the Office of Shrievalty, to such apt and able Person or Persons as shall be by

of the City of LONDON.

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by you nominated to the Lord Mayor and Court of Aldermen, and by them admitted, ~~without any Money or other Reward~~ to be had, taken, or hoped for in respect thereof, according to the Act of Common Council made and provided in that behalf, the *nine and twentieth day of April, in the six and twentieth Year of the Reign of our Sovereign Lady Queen Elizabeth, &c.* As God you help.

The Oath of the Common Clerk, or Town-Clerk.

YE shall swear, That you shall be good and true to our Sovereign Lord the King, and to his Heirs and lawful Successors; and the City of London, and the Liberties and Franchises of the same, to your Power ye shall maintain and defend; and the Council of the said City ye shall keep, and the Harm of the same ye shall not know, but ye shall open it unto the Mayor and Aldermen of the said City for the time being; and attendant ye shall be upon the Mayor of the said City for the time being; and ready ye shall be at all times to come at the warning of the said Mayor, but yf you be letted about the business of this City, or by some other reasonable cause. Also resident and dwelling ye shall be within the City during your Office, and all Pleas of Hustings, and all other Pleas and Records that to you belongeth to enter, ye shall truly enroll and enter; and all things that cometh to your keeping, as well Records as other things of the City, ye shall do your diligence safely to keep; ye shall shew, ne deliver no Record, nor other Ornament of the City, whereby the City might be hurt, nor no Record that toucheth the Right of any Person, ye shall bide, conceal, ne deny; and good Counsel after your Wit and Power ye shall give in all things touching the Weale of this City. Also ye shall keep no Clerk under you, but such as shall be able and admitted by the Mayor and Aldermen of the said City for the time being, and sworn before the said Mayor and Aldermen; nor any such Clerk remove without th' Assent of the said Mayor and Aldermen. Also ye shall swear, That you shall take no Money, Reward, nor Gift of any Person for any matter to be moved, or the which shall hang before the Mayor, Aldermen, or Sheriffs, or before the Mayor of this City of London for the time being. Also ye shall take no manner Money, nor other Reward for any Matter or Cause which shall be moved, or hang in any Court of this City, wherein by reason of your Office, ye shall have any Authority or Power, except only the Fees to your Office of old times due, used and accustomed. Also ye shall bear and pay all manner Taxes and all other Charges to you to be laid within this City, like as Citizens of the same City shall do for their part during your Office; and in all other things to your Office appertaining, well and lawfully ye shall behave you: As God you help.

The

The Rights and Priviledges, &c.

The Oath of the Common Serjeant.

YE shall swear, That ye shall well and lawfully serve the City of London in the Office of Common Serjeant; and the Laws, Usages and Franchise of the same City, ye shall keep and defend, within the City and without, after your Will and Power; and the right of Orphans of this City ye shall pursue, save and maintain; and good and lawful Councils ye shall give in all things touching the common profit of this City; and the Council of the same City ye shall keep; and the common harm of this City ye shall not know, but you shall after your Power let it, or give it in knowledg to the Council of this City; and attendant ye shall be on the Mayor, Aldermen and Commons, for causes and needs of this City, at all times when ye shall be required and charged, and in all Places where need is, lawfully to shew and declare, and attendantly pursue for the common profit of this City. Also ye shall swear, That you shall take no Money, Reward, nor Gift of any Person for any Matter to be moved, the which shall hang before the Mayor, Aldermen or Sheriffs, or before the Mayor of the City of London for the time being. Also ye shall take no manner Money, nor other Reward for any Matter or Cause which shall be moved or hang in any Court of this City, wherein by reason of your Office ye shall have any Authority or Power, except only the Fees to your Office, of old time due, used and accustomed. Also ye shall bear and pay all manner Taxes, and all other Charges to you to be layed within this City, like as Citizens of the same City shall do for their part, during your Office: As God you help.

The Oath of them that be of the Common-Council.

YE shall swear, That ye shall be true to our Sovereign Lord the King, his Heirs and lawful Successors, and readily come when you be summoned to the Common-Council of this City, but yf you be reasonably excused; and good and true Council ye shall give in all things touching the Common-Weal of this City after your Will and Cunnings; and that for favour of any Man, ye shall maintain no singular Profit against the common Profit of this City: And after that you be come to the Common Council, ye shall not from thence depart till the Common Council be ended, without a reasonable cause, or else by the Mayor's Licence; and also that all secret things that be spoken or said in the Common Council, the which ought to be kept secret, ye shall in no wise disclose: As God you help.

F I X I S.

The Reader is desired to amend these *Errata* of the Press, or what other he may meet with.

Folio 2. Line 7. for *sustinet*, read *suffine*. l. 21. r. *solemnly*. fol. 5. l. 41. for *Piccomitatum*, r. *Piccomistes*. fol. 16. in Marg. l. 16. r. *muschingau*. fol. 20. l. 19. f. *be*, r. *the*. in Marg. l. 12. *Ascun*, r. *ascun*. fol. 23. l. 1. *vitali*, r. *vitalu*. l. 27. and 29. f. *Barthonia*, r. *Bathonia*.